

Welcome to

# Ask DDS Day 2018



**GEORGIA DEPARTMENT OF DRIVER SERVICES**

**May 2, 2018**



# **Under the Influence, Over the Limit**

**Presented by Juenesse Holman & Tunnizia Weston**

# TOPICS

## ► Mobile Services App (DDS 2 GO)

### ► DUI/Risk Reduction

- Staying in Compliance
- Intervention Component
- Audits
- Adverse Actions

### ► Ignition Interlock

- Reinstatement Data
- Non-Compliance Reporting
- Inspections
- Reminders

# DDS 2 GO



## LAUNCHING Mid-2018

### ► Easy Access to Driver's Record

- Personal Info
- Points/ Suspensions
- Citations
- Renewal Notices
- Changes in Driver Status

### ► Push Notifications

### ► New Laws and Regulations

### ► Online Transactions



# TOPICS

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# DUI/RISK REDUCTION

Staying in Compliance

**273 Certified Risk  
Reduction Programs  
April - 2018**

**220 Certified Program  
Directors  
April - 2018**

**250 Certified Program  
Owners  
April - 2018**

**776 Certified Risk  
Reduction Instructors  
April - 2018**

# DUI/RISK REDUCTION

## Reinstatement Data

	FY2014	FY2015	FY2016	FY2017	FY2018
1st DUI	23,623	22,350	20,788	21,172	15,900
2nd DUI	3,945	4,033	3,611	3,815	2,781
3rd DUI	455	466	455	518	398
<b>TOTAL</b>	<b>28,023</b>	<b>26,849</b>	<b>24,854</b>	<b>25,505</b>	<b>5,310</b>
Refusals	5,340	5,169	5,317	4,724	2,875
ALS	10,812	9,635	8,234	7,974	27,264



# DUI/RISK REDUCTION

## Staying in Compliance

### New

- New Program
- New Owners/Corporate Officers
- Instructor/Director

### Recertification

- Renewal of Program, Director, and Instructor
- All Owners/Corporate Officers

### Relocation

- Change of Program Location

### Name Change

- Change of Program's Legal or D/B/A Name(s)



# DUI/RISK REDUCTION

Staying in Compliance

## Program, Director and Instructor Recertification:

- ▶ Certification is valid for 4 years
- ▶ If certification expires, cannot operate, direct or instruct until recertification has been completed
- ▶ If the certification has expired over 1 year, a new application is required
- ▶ Apply 30 - 90 days prior to expiration

## Background Check:

- ▶ Must be fingerprinted and provide a Consent for Background check
- ▶ If a background check has been completed within the previous 6 months for another certification, new fingerprints are not required

# DUI/RISK REDUCTION

Staying in Compliance

## Continuing Education Units:

- ▶ Director must complete 16 hours of continuing education courses
- ▶ Instructor must complete 32 hours of continuing education courses
  - 4 classes must be taught during the 4 year certification period
  - Verification is required

## Surety Bond:

- ▶ Proof of a continuous Surety Bond in the principal sum of \$10,000 per Program location from a company authorized to conduct business in the State of Georgia indicating the Georgia Department of Driver Services as obligee.

# DUI/RISK REDUCTION

Staying in Compliance

## Program Relocation:

- ▶ A Relocation Application is required
- ▶ Minimum 30-day notice to the Department
- ▶ All documents for a new program application are required

## Program Name Change:

- ▶ Application required
- ▶ Documentation of registration of business name
- ▶ Surety Bond Rider amending the program's name
- ▶ Copies of student contracts and materials reflecting the new program name



# DUI/RISK REDUCTION

Intervention Component – 375-5-6-.15

- ▶ The Intervention Component shall have a minimum of five (5) paid contracts for Students planning to attend the scheduled course dates and can have no more than the maximum allowed by the Program's Certification, up to a maximum of forty (40) Students.
- ▶ Intervention Component courses may be instructed, canceled, or rescheduled at the discretion of the Owner if fewer than five (5) Students appear for the first Session.



# DUI/RISK REDUCTION

Audits - Inspections, Investigations, and Program Monitoring – 375-5-6-.28

## Department is authorized to:

- ▶ Inspect and monitor
- ▶ Investigate Programs
- ▶ Determine compliance with the Rules and Regulations of each program

## Program Owners, Directors, Instructors, and Staff shall:

- ▶ Cooperate with any inspection or investigation
- ▶ Provide without delay, any information reasonably requested by the Department

# DUI/RISK REDUCTION

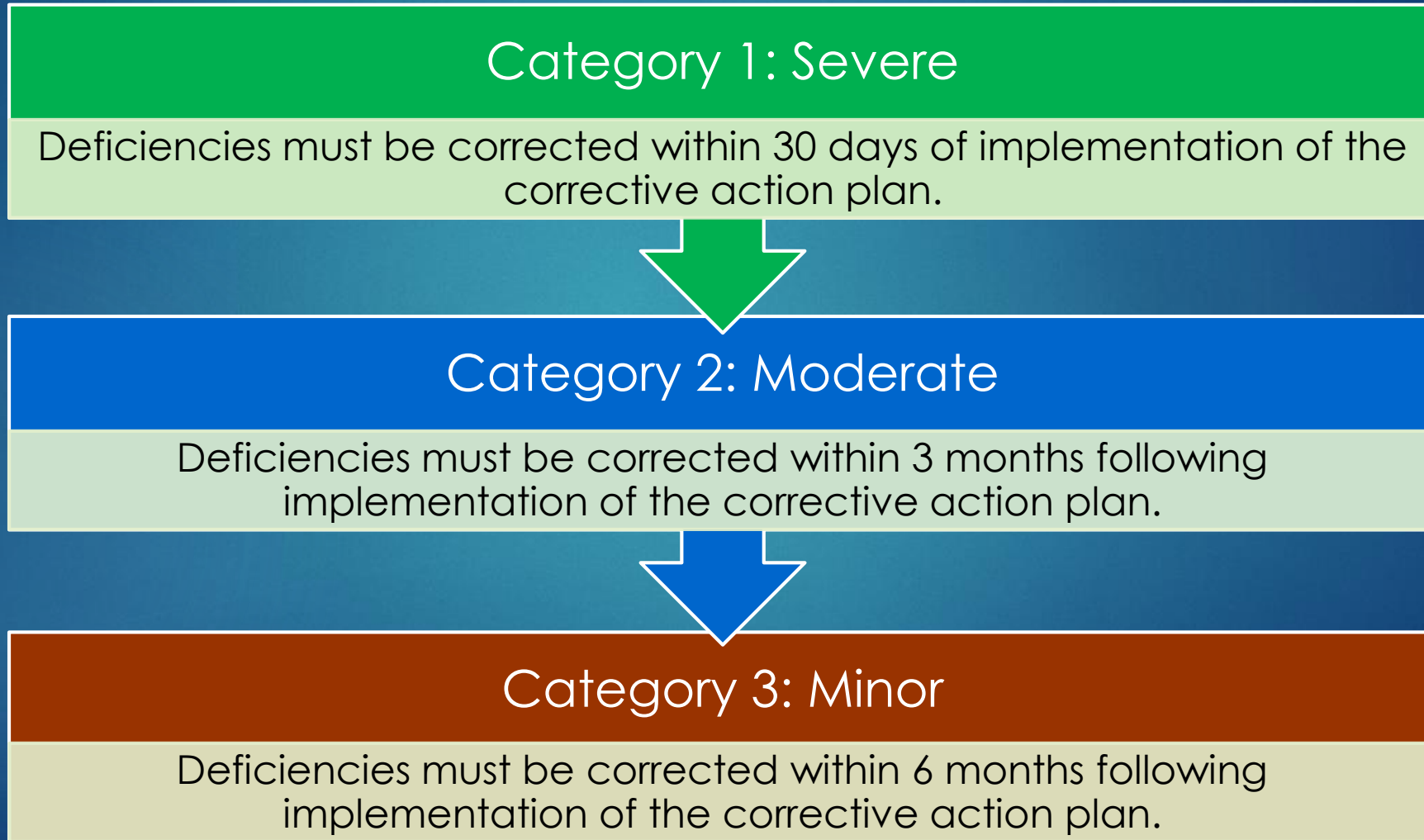
## Audits

### Purpose of the Program Audit:

- ▶ To determine consistency of all programs across the state
- ▶ To determine compliance of the Department's rules and regulations governing the program
- ▶ To gather data that may be used for statistical purposes

# DUI/RISK REDUCTION

## Audit Categories



# DUI/RISK REDUCTION

## Adverse Actions

Warning Letter



Administrative Fine



Suspension/Cancellation/Revocation



# DUI/RISK REDUCTION

## Adverse Actions – History of Compliance

Department may consider the Applicant's history of compliance when determining eligibility for Certification and Recertification.

Cancellation, Suspension, or Revocation of Certification(s) in another program may result in the same for this program.

# DUI/RISK REDUCTION

Adverse Actions – Enforcement of Program Regulations – 375-5-6-.29

## Revocation, Cancellation, or Suspension:

- ▶ In considering which to impose the Department may consider:
  - The history of compliance
  - The seriousness of the violation(s)
  - Whether violation was voluntarily reported to the Department
  - Whether they exhibited good faith efforts to correct areas of non-compliance prior or subsequent to the discovery by the Department

# DUI/RISK REDUCTION

Adverse Actions – Enforcement of Program Regulations – 375-5-6-.29

## Assess Administrative Fines:

- ▶ Fine not to exceed \$1,000.00 per violation
- ▶ In determining the fine amount the Department may consider:
  - The seriousness of the violation
  - Whether the same violation has previously occurred
  - Whether procedures designated to prevent the violation were in place and followed

# DUI/RISK REDUCTION

## Adverse Actions – Statistics

### ► FY2017 Adverse Actions

- 14 Administrative Fines imposed for a total amount of \$4,900
- Average of 1 programs fined per month
- Average fine amount per month is \$400 per program
- 4 suspensions/cancellation/revocations

### ► FY2018 Adverse Actions

- Four (4) Administrative Fines in FY2018 for a total of \$1,200
- 2 suspensions/cancellation/revocations



# DUI/RISK REDUCTION

## Courts

### ► 40-5-81(b) Prohibited Behavior

- No judicial officer, community supervision officer, law enforcement officer, or other officer or employee of the a court or person who owns operates , or is employed by a private probation company which has contracted to provide private probation services for misdemeanor cases shall specify, directly or indirectly, a particular driver improvement clinic or DUI Alcohol or Drug Use Risk Reduction Program which the person may or shall attend.
- The same are not prohibited from furnishing, upon request, the names of approved Driver Improvement Clinics or certified DUI Alcohol or Drug Use Risk Reduction Programs

# DUI/RISK REDUCTION

## Courts

### ► 42-8-111(b) Exceptions (Waivers)

- The court may, in its discretion, decline to issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license for any reason or exempt a person from any or all ignition interlock device requirements upon a determination that such requirements would subject such person to undue financial hardship.
- If a court grants an exemption from the ignition interlock device requirements, such person shall not be eligible for a limited driving permit or any other driving privilege for a period of one year.

# TOPICS

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# IGNITION INTERLOCK

Who we serve

**42 Certified Ignition  
Interlock Providers**  
April - 2018



**1,984 Active Installs**  
End of FY2016

**9 Certified Device  
Manufacturers**  
April - 2018



**1,973 Active Installs**  
End of FY2017

# IGNITION INTERLOCK

## Customer Data

**New Customers  
Interlock Permit FY2017**

1,380

**Customers Completing  
Interlock FY2017**


1,476

# IGNITION INTERLOCK

## Non-Compliance Reporting – O.C.G.A. §42-8-112(c))

### Violations:

- ▶ **Must be reported within five (5) days of discovery using the Notice of Ignition Interlock Offender Non-Compliance form prescribed by the Department**
- ▶ **Violations reportable to the Department include:**
  - The offender has tampered with the ignition interlock device
  - The offender failed to report for monitoring
  - The offender requested and had the device removed prior to completing the program
- ▶ **Results of monitoring (i.e. positive readings for alcohol) are not considered violations and should not be reported to the Department of Driver Services**



The form is titled "Notice of Ignition Interlock Offender Non-Compliance" and is issued by the Department of Driver Services (DDS). It contains several sections for reporting violations:

- Date of Report:** A line for the date.
- I. DRIVER INFORMATION:** Fields for First Name, Middle Name, Last Name, Suffix (Sr., Jr., etc.), Date of Birth, Driver's License #, State of Issuance, Physical Address, Apartment #, City, State, Zip code, and Day Time Phone #.
- The following violation(s) has occurred:** Three checkboxes with corresponding descriptions:
  - ☐ The offender has tampered with the ignition interlock device.
  - ☐ The offender failed to report for monitoring.
  - ☐ The offender requested and had the device removed prior to completing the program.
- Note:** Results of monitoring (i.e. positive readings for alcohol) are not considered violations and need not be reported to the Department of Driver Services.
- Additional Comments:** A line for extra information.
- III. PROVIDER CENTER CERTIFICATION:** Fields for Provider Center Name, DDS Certification #, Email Address, Provider Physical Address, City, State, Zip Code, Phone #, and Fax #.
- Provider Representative:** A line for the signature of the provider representative, with a "SIGNATURE" stamp area.
- I certify that all of the information above is accurate and complete.** A line for the provider representative's signature.
- Violations must be reported within five (5) days of discovery (O.C.G.A. §42-8-112(c)). Send this report to:**
  - By Mail:** Regulatory Compliance Division, Georgia Department of Driver Services, 2206 Eastview Parkway, Conners, GA 30125.
  - By Fax:** Fax # 678-413-8735.
  - By Email:** [regcomp@dds.ga.gov](mailto:regcomp@dds.ga.gov).
- Please refer customers with Interlock, limited driving permit, reinstatement or other questions to the DDS Customer Contact Center at 678-413-8400.**
- HC-009-03 (07/17)**

# IGNITION INTERLOCK

Non-Compliance Reporting – O.C.G.A. §42-8-112(c)

## Permit Revocation:

- ▶ **Offenders are mailed a Pending Revocation letter by the Department**
- ▶ **If the offenders provides documentation that the reason for non-compliance was any of the following, their permit will not be revoked:**
  - Medical necessity, as evidenced by a written statement from a medical doctor
  - You were incarcerated
  - You were required to be on the job at your place of employment, with proof that you would be terminated if you were not at work
  - The vehicle with the installed interlock device was rendered inoperable by reason of collision, fire, or a major mechanical failure
- ▶ **Offenders should be allowed to resume monitoring following approval by the Department**



# IGNITION INTERLOCK

## Inspections

► **Field Analysts will review items such as:**

- Secure file storage
- Client waiting areas
- Technician professionalism and knowledge
- Calibration methods
- Non-compliance reporting
- Customer service
- Labeling of equipment



100

100

404-909-6295

404.909.4727

404.909.4726

404.909.4484

404.909.5242

678.228.7089

404-210-6178



# IGNITION INTERLOCK

## New Legislation – SB 407

- ▶ **Accountability Courts may order the Department to:**
  - Issue to a defendant an ignition interlock device limited driving permit using whatever conditions the court determines to be appropriate under the circumstances
  - For a one-year period, and may allow such permit to be renewed for a one-year period, and shall provide the Department with such order.
  - Suspend or revoke such license, limited driving permit, or ignition interlock device limited driving permit
  - The court shall require the defendant to pay the required reinstatement fee or waive such fee
- ▶ **Authorizes any other court to do the same if the offense for which the defendant was convicted did not directly relate to the operation of a motor vehicle**



# IGNITION INTERLOCK

## Reminders

- ▶ Each Provider Center is required to have a separate license for each location with the exception of mobile units
- ▶ Brick and mortar businesses are not authorized to operate as sub-contractors of certified providers without also being approved and certified by DDS (O.C.G.A § 42-8-115)
- ▶ All monitoring reports issued to offenders after October 1, 2016 must be reflected on the Comprehensive Ignition Interlock Monitoring Report and contain the interlock provider's original stamp
- ▶ Providers must ensure that the customer being monitored or receiving calibrations is the offender who is required to have the service (O.C.G.A § 42-8-112(c))
- ▶ Device manufacturers are not authorized to operate as Provider Centers



# Questions



# Thank You!

